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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/940,986	08/29/2001	Thomas V. Ressemann	891,144-010	6847

34263 7590 11/28/2007  
O'Melveny & Myers LLP  
IP&T Calendar Department LA-1118  
400 South Hope Street  
Los Angeles, CA 90071-2899

EXAMINER
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STIGELL, THEODORE J

ART UNIT	PAPER NUMBER
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3763

MAIL DATE	DELIVERY MODE
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11/28/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

09/940,986

Applicant(s)

RESSEMANN ET AL.

Examiner

Theodore J. Stigell

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 28 June 2007.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Response to Amendment***

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Zadno-Azizi et al. (6,022,336). See column 22, lines 1-46. Zadno-Azizi discloses a method of treatment of a blood vessel comprising advancing an evacuation sheath assembly (410) into the blood vessel, stopping normal antegrade blood flow in the blood vessel proximate the stenosis, advancing a therapeutic catheter (420) into the blood vessel, treating the stenosis with the therapeutic catheter and removing the therapeutic catheter (see column 22, lines 5-10), advancing an infusion catheter (not shown) to a location distal to the stenosis after removing the therapeutic catheter, infusing the blood vessel with a fluid supplied by the infusion catheter, and inducing retrograde flow within the blood vessel to carry the infused fluid and embolic material dislodged during treating into the evacuation sheath assembly, wherein advancing the infusion catheter includes advancing the infusion catheter through a distal end of the evacuation sheath assembly, wherein stopping blood flow includes creating a first seal (412) between the evacuation sheath and the blood vessel and creating a second seal between a guide catheter and a proximal portion of the evacuation sheath assembly, wherein the retrograde flow

(see col

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includes applying a vacuum through the evacuation sheath, treating the stenosis includes advancing an angioplasty balloon (426), wherein treating the stenosis includes advancing a stent to the stenosis, and wherein inducing retrograde flow involves venting pressure as is well-known in the art, wherein the blood vessel can be a coronary artery or saphenous vein graft, wherein the step of stopping normal antegrade blood flow is performed prior to advancing the device across the stenosis, wherein infusing the blood vessel is done through infusion port, and wherein saline, blood, or radiopaque dye can be infused into the blood vessel, wherein the evacuation sheath is advanced through guide catheter and further applying a vacuum to the guide catheter and further comprising inducing retrograde flow prior to advancing the infusion catheter to move debris proximal to the treated stenosis.

includes

**Response to Arguments**

Applicant's arguments filed 6/28/2007 have been fully considered but they are not persuasive. In response to the applicants' argument that Zadno-Azizi does not disclose a non-occlusive guidewire, the examiner respectfully disagrees. The guidewire of Zadno-Azizi is not occlusive but rather the balloon at the end of the guidewire.

Verdict

**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Theodore J. Stigell whose telephone number is 571-272-8759. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nicholas Lucchesi can be reached on 571-272-4977. The fax phone

Applicant

not persur

All claims

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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

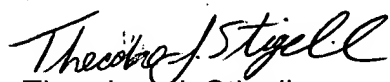
you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

273-8300.



Theodore J. Stigell

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Theodore



PATRICIA A. MCGOWAN  
SUPERVISOR, PATENT EXAMINER  
TECHNICAL STAFF